



REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendment. Claims 1-22 remain pending in the case. Claims 1-22 are rejected. Claims 1, 9, 14, 15, 17 and 21 are amended herein. Applicants believe that the amendments herein to the patent application do not add new matter to it.

35 U.S.C. §102(b) Rejections

Claims 1, 6-9, 11-14, 16, 17, and 19-21 are rejected under 35 U.S.C. §102(b) as being anticipated by Hutchinson et al., U.S. Patent No. 5,235,177 (hereinafter Hutchinson).

CLAIM 1

Applicants respectfully contend that Hutchinson fails to teach subject matter recited in independent Claim 1. For instance, amended Claim 1 recites in part (emphasis added):

a detector module to detect an amplitude based on how much illumination passes through a first portion of said movable polarizing code element, said detector module comprising:

a first light detector covered with a first static polarizing filter that is oriented in a first direction;

a second light detector covered with a second static polarizing filter that is oriented in a second direction;

Claims 6-8 that depend from independent Claim 1 provide further recitations of the above limitations.

Applicants respectfully assert that nowhere does Hutchinson teach a detector module comprising "a *second light detector* covered with a *second static polarizing filter* that is *oriented in a second direction*" (emphasis added) as explicitly recited in amended Claim 1. Therefore, since Hutchinson fails to teach at least one element recited in amended Claim 1, Applicants respectfully contend that Claim 1 as amended is not anticipated by Hutchinson, that Claim 1 overcomes the rejection under 35 U.S.C. § 102(b), and is thus in a condition for allowance. Applicants respectfully submit that Hutchinson does not teach the additional claimed features of the present invention as recited in Claims 6-8 that depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 6-8 overcome the Examiner: Livedalen, Brian J.

Appl. No.: 10/810,173

rejection under 35 U.S.C. § 102(b), and are in a condition for allowance as being dependent on an allowable base claim.

CLAIMS 9 and 17

Applicants respectfully contend that Hutchinson fails to teach subject matter recited in newly amended independent Claims 9 and 17. For instance, newly amended Claim 9 recites in part (emphasis added):

detecting a first amplitude based on how much illumination passes through a first portion of said movable polarizing code element and a first static polarizing filter oriented in a first direction;

detecting a second amplitude based on how much illumination passes through a first portion of said movable polarizing code element and a second static polarizing filter oriented in a second direction;

determining said angular position of said movable polarizing code element using said first amplitude, said second amplitude and said quadrant.

Newly amended Claim 17 recites similar limitations. Claims 11-14, and 16 that depend from independent Claim 9 and Claims 19-21 that depend from independent Claim 17 provide further recitations of the above limitations.

Applicants respectfully assert that Hutchinson does not teach “detecting a first amplitude based on how much illumination passes through a first portion of said movable polarizing code element and a first static polarizing filter oriented in a first direction” and “detecting a second amplitude based on how much illumination passes through a first portion of said movable polarizing code element and a second static polarizing filter oriented in a second direction,” as explicitly recited in amended Claims 9 and 17 (emphasis added). Moreover, Hutchinson also does not teach “determining said angular position of said movable polarizing code element using said first amplitude, said second amplitude and said quadrant,” as recited in amended Claims 9 and 17 (emphasis added). Therefore, since Hutchinson fails to teach at least one element recited in amended Claim 9, Applicants respectfully contend that Claims 9 and 17 as amended are not anticipated by Hutchinson, that they overcome the rejection under 35 U.S.C. § 102(b), and are thus in a condition for allowance. Applicants respectfully submit that Hutchinson does not teach the additional claimed features of the present invention as recited in 11-14, and 16 that depend from independent Claim 9 and Claims 19-21 that depend from independent

Claim 17. Therefore, Applicants respectfully submit that Claims 11-14, 16, and 19-21 overcome the rejection under 35 U.S.C. § 102(b), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a) Rejections

Claims 2, 3, 10, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutchinson in view of Tamiya et al., U.S. Patent No. 6,879,405 (hereinafter Tamiya). Applicants respectfully submit that independent Claims 1, 9, and 17 are allowable over Hutchinson based on the rationale discussed above. Since the present office action fails to assert that Tamiya teaches or suggests the elements argued above with reference to amended Claims 1, 9, and 17, Applicants respectfully contend that their respective dependent claims 2, 3, 10, and 18 are also allowable over Hutchinson and Tamiya.

Claims 4, 5, 15, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutchinson in view of Wijntjes, U.S. Pub. No. 2005/0002032 (hereinafter Wijntjes). Applicants respectfully submit that independent Claims 1, 9, and 17 are allowable over Hutchinson based on the rationale discussed above. Since the present office action fails to assert that Wijntjes teaches or suggests the elements argued above with reference to amended Claims 1, 9, and 17, Applicants respectfully contend that their respective dependent claims 4, 5, 15, and 22 are also allowable over Hutchinson and Tamiya.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of rejected Claims 1-22.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any required fees or credit any overpayments to Deposit Account Number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: _____

12/20/05



James P. Hao
Registration No.: 36,398

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

(408) 938-9060
Facsimile: (408) 938-9069